

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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STATE OF NEW YORK, et al.,	:	
	:	
Plaintiffs,	:	
	:	18-CV-2921 (JMF)
-v-	:	
	:	<u>SCHEDULING ORDER</u>
UNITED STATES DEPARTMENT OF COMMERCE, et al.,	:	
	:	
Defendants.	:	
	:	
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JESSE M. FURMAN, United States District Judge:

As discussed on the record at the conference held yesterday, the following additional deadlines shall apply to further proceedings in this case:

1. Plaintiffs shall file any letter motion for leave to conduct live direct examination of witnesses at trial by **October 18, 2018**. Defendants shall file any opposition by **12:00 p.m. on October 23, 2018**. No reply may be filed absent leave of Court.
2. Plaintiffs shall file any letter motion for leave to take *de bene esse* depositions of any witnesses by **5:00 p.m. on October 23, 2018**. Defendants shall file any opposition by **5:00 p.m. on October 25, 2018**. No reply may be filed absent leave of Court.
3. Any *amicus* briefs for the Court's consideration at trial shall be submitted, accompanied by a motion for leave to file (indicating, among other things, whether the parties have consented to the filing), no later than **October 29, 2018**.
4. In the event that Justice Ginsburg's stay of this Court's Orders of July 3, 2018, August 17, 2018, and September 21, 2018 (*see* No. 18A375 (U.S. Oct. 9, 2018)) is lifted in whole or in part, the parties shall confer **immediately** (if possible, the same day) regarding the scheduling of depositions, if any, and whether there is any need to supplement any pretrial submissions that may have been filed in the interim.
5. In the event that Justice Ginsburg's stay of this Court's July 3, 2018 Order is lifted, Defendants shall serve their written responses to any outstanding discovery requests **within 24 hours** and the deadline for the completion of Plaintiffs' discovery shall be extended, *nunc pro tunc*, to **three business days** following the order lifting the stay.¹


¹ As discussed on the record at the conference, Defendants' discovery is complete, with the exception of the one deposition that was delayed by virtue of the deponent's illness.

In all other respects, the Court's previous Scheduling Order (Docket No. 323), and all other dates and deadlines not affected by Justice Ginsburg's stay, remain in effect.

Finally, *both* the final pretrial conference on November 1, 2018, *and* trial will be held in **Courtroom 110 of the Thurgood Marshall United States Courthouse, 40 Centre Street, New York, NY 10007**. As discussed at the conference, counsel should contact the District Executive's Office with any questions regarding the use of technology in the courtroom or the availability of "war rooms" for trial.

SO ORDERED.

Dated: October 18, 2018
New York, New York



JESSE M. FURMAN
United States District Judge